

**PUBLIC WORKS**

**AND**

**PUBLIC TRANSPORTATION COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, September 20, 2005.

**MEMBERS PRESENT:**

Legislator Allan Binder • Chairman  
Legislator Peter O'Leary • Vice•Chairman  
Legislator John Kennedy  
Legislator Angie Carpenter  
Legislator Ricardo Montano

**MEMBER NOT PRESENT:**

Legislator Brian Foley • Excused Absence

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature

Jim Spero • Budget Review Office

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Bill Shannon • Highway Department • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Alexandra Sullivan • Chief Deputy Clerk • Legislature

Bill Faulk • Aide to P.O. Caracappa.

Ben Zwirn • County Exec's Office

Lynne Bizzarro • County Attorney's Office

All Other Interested Parties

**MINUTES TAKEN BY:**

Alison Mahoney • Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kimberly Castiglione • Legislative Secretary

**(\* The meeting was called to order at 1:48 P.M. \*)**

The Salutation was led by Legislator O'Leary.

**Salutation**

**LEG. O'LEARY:**

Do we have a quorum?

**MS. MARTIN:**

Yes, you have four.

**CHAIRMAN BINDER:**

We have four? Okay. The Public Works and Transportation Committee will come to

order. I have •• I guess Mr. Foley called in and he has an excused absence and Legislator Vilorio•Fisher will be late but is on her way.

Let me get right to the cards. If you can get me, Ellen, get me the timer because I have a nice pile of cards here. I would like if •• I'm going to call you up one at a time. If I can just ask that you limit your comments to three minutes so we can make sure everyone has an opportunity and we can stay on track with the different committees today. The first is Clifford Hymowitz.

**MR. HYMOWITZ:**

My name is Cliff Hymowitz. I'm the Chair of the Suffolk County Transportation Advisory Board. I want to thank Legislator Binder and the members of the committee for having this opportunity to address you. I gave for your information a packet. In that packet is a copy of our last minutes from the meeting that we had last month and it talks about the action items that we're working on. I appreciate if anybody has any questions they direct them to me. My e•mail is cliff@transitrider.net and I would be happy to give you any answers, you know, that I could.

I also have, which I will submit for the record, a copy of today's agenda as well as the attached documentation and this way you can see the stuff that we're working on. There's two particular things that I would like to bring to your attention today. One is I gave for your information a sample letter that I'm asking for your support to go to the Village of Lake Grove on the situation of Smith Haven Mall.

We were very fortunate to get the support of the Town of Smithtown, thanks to Legislator Kennedy and other members of the Council, to support having an accessible location for people to be able to wait with dignity for transportation for the over 200 buses that go through Smith Haven Mall on a given day.

Unfortunately, right now since the area that was designated for this is on the Lake Grove side, there is a little bit of opposition by the Village to having the bus stop located on their side of the mall. And so Thursday night the Planning Board is going to be having a meeting and I have attached a letter that would ask for the support of the Village of Lake Grove not to •• of where the bus stop should be located, but just

asking them for support for the concept of having an accessible area for people to wait for buses. I hope that your staff or somebody could get it together and send out a copy to them or you can send it to me. My fax is 732•6588 and I will be happy to bring it with me to the meeting.

The second thing is a copy of something that I had sent out on behalf of the Board which was a notice about the public hearing next Tuesday from 3 to 6 about the new transfer policy. This is something that the Board has been •• asking for a long time and we're very happy that the County has obliged and has made this recommendation. I would ask that you let community groups in your jurisdiction know about it because I'm encouraging people to come just as a show of support for public transportation. And so the more people that we have represented I think the better. Also would like for you to consider maybe giving personal support for this modification of the transfer policy. All the information is on the flier that I gave you. I guess my buzzer is ringing.

I would like at some point to be able to work more closely with this committee to go over the things that the Board is working on so that you are familiar and I will give you an example. One of the things that we're working on is that we have identified a group of students from Stony Brook from the Business School who are going to be doing a report for the Transportation Advisory Board on transportation. I would like to be able to have your input as the project goes along. So if we could create some kind of mechanism for like a work session or something where we could have dialogue, I would really appreciate it.

Last, I want to thank Legislator Binder. I have contacted his office with people that want to be considered for appointment to the Board. I think the highest priority is to get those positions filled. So I ask for the expeditious, you know, and support on this body of the full committee and hopefully we can get it done. Thank you so much. I'm sorry for being over three minutes.

**CHAIRMAN BINDER:**

That's okay. Thank you. Aurelio Barbosa, you are up next.

**MR. BARBOSA:**

Yes, good afternoon. I represent the Thomas Block Association, Thomas St. Block Association, and we have this problem with this fence which is completely deteriorated and we got the pictures here so you can see more or less what we are trying to bring up. Did you want to see it?

**UNKNOWN AUDIENCE MEMBER:**

You want us to bring it up so you can see it?

**CHAIRMAN BINDER:**

You might want to just give it at the end. They can pass it around.

**MR. BARBOSA:**

We are here in the hope to •• so you could help us and rebuild the fence. We are ready to settle with •• it doesn't have to be a sound barrier. Or something very close to it will be enough for us. And I got some other members here from the block association. I've got ten •• I've got a hundred signatures here from people concerned with the problem that we have, plus I got ten letters from people that they wish they could come but because of their work, they gave me the ten letters here. You can see them.

**LEG. MONTANO:**

Mr. Chairman, if I may.

**CHAIRMAN BINDER:**

Legislator Montano.

**LEG. MONTANO:**

I just want to put on the record that Jerry and the people at the podium are my constituents. This has to do with Resolution 1965, which just very quickly, it's a bill at this point to do a noise abatement study for purposes of possibly a sound barrier but as Jerry said, there are different options that we're exploring. And this is on Motor Parkway between let's say Wicks Road and Washington Avenue; is that correct?

**MR. BARBOSA:**

Right.

**LEG. MONTANO:**

And when Motor Parkway was initially widened the town and the County put up stockade fencing back in about 1985, which has since deteriorated. So the photos you see are the photos of the existing fencing that was put up by the County of Suffolk in back in '85, and they're just explaining the conditions that exist today.

And what we're asking is for possibly replacement and, you know, the usual •• maybe a noise abatement study, but there are some issues that we haven't resolved. So go ahead and finish from there.

**MS. APPLEBAUM:**

Thank you. Ladies and Gentlemen, my name is Judy Applebaum.

**CHAIRMAN BINDER:**

Hold on a second. Let me just •• did you fill out a card?

**MS. APPLEBAUM:**

Yes.

**CHAIRMAN BINDER:**

Okay. Let me get you in here. Okay.

**MS. APPLEBAUM:**

My name is Judy Applebaum. I live at 165 Thomas Street in Brentwood. The fence in question is really not a fence, it's intermittently laced with debris, it's falling down, cars have hit it, vehicles have damaged it along with Mother Nature, and there seems to be no upkeep whatsoever. It's basically a forgotten fence.

The openings in the fence are dangerous to children in my yard and the yards of other neighbors, as well as to pets belonging to those families. Children play in those yards and they play hide and seek. I have seen it. The openings go right onto the parkway. Children have no fear and playtime is just that, playtime.

Debris is thrown from passing cars and drift into my yard making my yard look like a garbage disposal area. There is no privacy. The openings are open to strangers and I have been witness to strangers coming into my yard taking a shortcut to my neighborhood.

The traffic noise is horrific 24/7. I cannot open my windows for fresh air or cool breeze without smelling car fumes. There is no place in my backyard where I can appreciate my yard as well. I pay good taxes. I have a beautiful piece of property and I cannot appreciate it because of the noise level.

This fence, if you could call it that, as far as I'm concerned is a piece of junk. It serves no purpose. It doesn't keep the noise out, debris out. People out on the •• walking by, are strangers, use my openings to come through my yard. Children are not safe nor are my pets. My husband has tried repeatedly to fix the fence in various locations or more like putting a band•aid on a problem that never goes away.

I don't feel safe in my own home at night and that is a real problem because my husband and I recently separated and as I look out my backyard, the fence has a huge opening right into my backyard. So I would appreciate anything that the board could do to fix this problem. Thank you for letting me speak with you today.

**LEG. MONTANO:**

Thank you.

**CHAIRMAN BINDER:**

Thank you. Okay. Your name?

**MS. TIERNEY:**

Hello. My name is Stacey Tierney. I reside at 149 Thomas Street. Among everything that everyone has spoken about already, the major concern is just repairing it, one, because it is unsafe. The volume of traffic on Motor Parkway I don't think anyone realizes. Our homes were there before the industry built up. There are 18•wheeler trucks that go well over the speed limit among regular cars. There are constant accidents on that road. In many places the fence is completely down. It needs to be

repaired as soon as possible.

We would like a sound barrier because the noise is extremely high. Windows rattle from the car traffic. If we are eating dinner in our backyard, which most people like to do in the summertime, we can't hear the person that is speaking to us right across the table.

Right now, though, our major concern is just repairing the fence as soon as possible for the safety of us, our children, our pets, our homes. I'm a new home owner there and I have yet to put a pool up, a gazebo, do any yard work in my backyard because I feel it is unsafe. I am very unsafe when I have to even just do yard work or pick up the debris that comes from the industry cross the street. So all we ask is that someone do something as soon as possible for the safety. Thank you.

**CHAIRMAN BINDER:**

Thank you. Any questions? Thank you very much for coming before us. Next is Edward Hayes.

**MR. HAYES:**

Good afternoon. I reside at 138 Greenbelt Parkway in Holbrook and am here to speak in terms of reconsidering a resolution 1829 regarding the funding of a sound survey along Nicolls Road between I believe either Montauk Highway and Furrows Road, all right, regarding the situation that has evolved there. I wish we had a fence, but we don't.

There is nothing there and when that •• I purchased the house in June of 1970. I have been there 35 years. I was there before the road and when purchasing the house and the property was told this is State land and you will never have to worry about this greenbelt in your lifetime. Well, that lasted about six years and then the road came in and when they put the road in, they put the road in 47 feet from my backyard, okay, at which point then it was left with nothing.

Also, along our back, the entire Greenbelt Parkway area, are telephone and lighting poles and so LIPA comes in and now cuts things down all over the place because they don't want anything to touch the lighting poles. So now very little can grow within



that buffer zone, okay, and in reality the only thing that would solve the problem because of the closeness that we are, and they have just repaved Nicolls Road for reasons I'm not sure exactly why, but they have repaved it. The sound now has increased with the repaving and the traffic, as anyone can tell you from you Sunrise Highway north onto Nicolls Road is becoming increasingly greater and greater. And the bottom line is that when the people moved there, this road wasn't there. So for the most part people now find themselves with a situation that is increasingly getting more and more out of hand and nothing to be done about it.

Finally, when Legislator Lindsay introduced this, okay, there was a breath of some hope to the people who live along Greenbelt Parkway and Thunder Road and the accompanying areas in that region, okay. The traffic along Nicolls Road is becoming greater and greater and I don't think people understand. You have heard from other people the same problems we have, not being able to use our backyards, not being able to have anything to do in the summertime, and then in the wintertime when the vegetation clears all you do is look at traffic all day if you are out in your backyard.

So, as I said, I continue to hope that you may reconsider this legislation, which I am led to believe may have failed in committee, okay, but I would like it to be reconsidered. I think the sound study is a very, for the people in that area, a tremendously important thing and for quality of life issues and things of that nature. I understand it's being done in other areas of the County. I would hope that Nicolls Road would be one of those places that you would consider to be a very high volume traffic area and can reconsider this proposal to fund the study, okay, for the noise abatement and a noise abatement study. Thank you.

**CHAIRMAN BINDER:**

Thank you. Any questions? Okay.

**LEG. O'LEARY:**

Mr. Chair.

**CHAIRMAN BINDER:**

Why don't we deal with it ••

**LEG. O'LEARY:**

On the agenda?

**CHAIRMAN BINDER:**

Right, on the agenda we'll deal with it. Next up is Angelo Marabella.

**MR. MARABELLA:**

My name is Angelo Marabella. I live in the same development that Mr. Hayes does. I live at 12 Thunder Road and have a number of the same kinds of problems that he has. I have lived there for 31 years. The road was put in about eight months after I moved in. I as well thought that it was going to be a greenbelt and left as a greenbelt, but to our amazement we now have a road.

When they first put the road in the traffic was bearable. Nobody likes to have a road 50 feet from their back fence, but it was bearable. But over the years it's becoming unbearable. Every time they repave the road, and they just recently repaved it, again, for whatever reason, I didn't think it needed to be repaved, but they just repaved it again. Every time they repave it the road gets higher and as the road gets higher, the noise gets louder.

The worst we have to deal with are the motorcycles, which is another question that I have. Are motorcycles exempt from the noise pollution law? I mean, motorcycles at two clock in the morning going through all the gears on Nicolls Road. It's impossible to get a good night's sleep. It's impossible to keep your windows open in the summertime. It is impossible to have family over for a barbecue in the summertime because all they're listening to is motorcycles, loud mufflers, trucks going by, and they have to deal with the pollution as well.

I mean, I have a light on the corner of Greenbelt and Nicolls Road, so all those cars and trucks are parked there for the light and they are spewing out all of that •• all of that carbon monoxide and guess where it's going. It's going in the backyards of the people who live adjacent to Nicolls Road.

I implore you to look at this again. Just because we happen to live on a County road and not a State road or a federal road, we're not entitled to a sound barrier and we're not entitled to have that protection. I would appreciate if you would reconsider this, this measure, and give it another look because the quality of life of the people who live along Nicolls Road would be greatly enhanced with this sound barrier. Thanks very much.

**CHAIRMAN BINDER:**

Thank you. Any questions? Let me see if we have any more on that. Martin Becker?

**MR. BECKER:**

My name is Martin Becker. I live at 230 Greenbelt Parkway. I have lived there for 35 years. I've lived there before Nicolls Road was even built. It's turned into a mini •expressway. They just constantly, 24/7, are racing up and down that road going from the Sunrise Highway north to the north shore. It's horrendous. We can't sit out in the backyard in the summertime. You've got to sleep with your windows closed and your air conditioner on. It's the only way.

I think that the sound study has to be done and that wall has to be put up because our quality of life, the pollution, is terrible. It's just unbearable. I reiterate what the two gentlemen before me said, you have to have this done. Thank you.

**CHAIRMAN BINDER:**

Thank you. Okay. Eugene Wishod.

**MR. WISHOD:**

Mr. Chairman, members of the committee. I'm here on tabled resolution 1874, which was to connect Carraba's Restaurant and Famous Dave's Restaurant to the Galleria sewage treatment plant, which is soon to become Suffolk County Sewer District Number 4, Smithtown Galleria. The restaurants are located on north of 347 and east of •• the intersection east of •• I'm sorry •• east of the intersection with Terry Road.

You will recall I was here at the last meeting. The resolution was tabled because some uncertainties arose about the capacity of the plant to accommodate both

restaurants. We have assembled certain materials and flow data that we have submitted to DPW. They have asked certain further questions and frankly, we have run out of time to eliminate all the uncertainty. And I would respectfully request that it be tabled one more time until your next meeting when I would hope we could definitively address the issue of capacity. I'm here to request another tabling.

Finally, Legislator Kennedy, you raised •• you asked me a question last time that I didn't have the answer to. I had pointed out that we were anxious to accomplish this to release certain parcels that had to be sterilized in order to get temporary sewerage disposal pending connection. That didn't happen on my watch so I did not have the answers at my fingertips. I do have the answer now and I'll give that to you if I can stumble through and find it.

The Carraba's on Terry Road we sterilized •• it's located on Terry Road between Middle Country Road and 347 just south of the Kinder Care Day Center and it's an acre that's been sterilized. For Famous Dave's the property that was sterilized located on Plaisted Avenue just south of the elementary school, and that would eventually be the second section of Yellow Top Estates, and that's a parcel of 6.95 acres. We can't release them from sterilization until we can disconnect the temporary systems and connect to the plant. That all I have, Mr. Chairman.

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you very much for the information, Counselor, I appreciate it. If I can just, I guess, then ask you to, I guess, to recount it. In other words, you are still going back and forth with the Health Department as far as finalizing whatever the additional capacity is going to be from these two facilities, but is there anything that the department is asking the restaurants to do in addition to what they have done? Because obviously they're in operation at this point.

**MR. WISHOD:**

Yes, they're operating on a temporary system approved by the Health Department. Based on the design flow of the restaurant, which is a product of the number of seats, there is available capacity of 9,000 gallons based on design flow. The two restaurants would total 15,690. So, you know, we're short a certain number of gallons to accommodate both restaurants.

We have assembled a lot of actual flow figures over the years and actual flow if you have a sufficiently convincing record DPW will allow you some leeway over the design flow. We've submitted certain figures, they had certain questions about the process, the strength of the process, because we're now dealing with commercial flow and we just ran out of time. We gave everything we had at the time. We're developing the additional data and hopefully by the next meeting of this committee we hope to have a definitive recommendation from DPW that the plan has sufficient capacity to accommodate both.

**LEG. KENNEDY:**

Good. Well, I appreciate you engaging in the dialogue. As a matter of fact, I'm sure that the department is going to go ahead and continue to work with you.

As far as the actual sufficiency of a plan to accommodate flow, you know, I don't purport to be any type of an engineer, but I imagine that the standards are set there. They will take a look at it, they'll see how it's configured and they'll make suggestions to you how to accommodate, I guess, whatever comes from the restaurants.

**MR. WISHOD:**

That's what we hope, yes.

**LEG. KENNEDY:**

Okay. All right. Thank you very much.

**MR. WISHOD:**

Sure.

**CHAIRMAN BINDER:**

Thank you. Any other questions? That's it. Thank you.

**MR. WISHOD:**

Thank you.

**CHAIRMAN BINDER:**

I have a card from Tom Isles, though I don't see him.

**MR. ZWIRN:**

He's not here. The item he was going to speak on •• the sponsor has requested a tabling.

**CHAIRMAN BINDER:**

Okay. All right. Before I start the agenda I want to welcome the Suffolk •• from the Suffolk Community College, we have one of the local government classes in the back watching government in action. And if you can stay awake, then something may happen stupendous, and maybe again, something not, but you are going to get to see local government in action. But thank you for coming. If I can have the Commissioner up, and yeah, you can come up by yourself, that will be fine. If you need anyone we'll bring him up with you.

**COMMISSIONER BARTHA:**

Good afternoon.

**CHAIRMAN BINDER:**

Okay. Why don't we start the agenda. What was the agenda item number, Mr. Lindsay, first•off. You had ••

**LEG. O'LEARY:**

1829.

**CHAIRMAN BINDER:**

1829?

**LEG. LINDSAY:**

1829 isn't on the agenda.

**CHAIRMAN BINDER:**

That was the one that was defeated.

**LEG. LINDSAY:**

Right.

**LEG. CARPENTER:**

Do you have copies of it?

**LEG. LINDSAY:**

No, but we can get copies.

**CHAIRMAN BINDER:**

Why don't we get some copies handed out and then Mr. Montano's •• what was ••

**LEG. MONTANO:**

1965.

**CHAIRMAN BINDER:**

1965. But that's on •• no, no, no, hold on.

**LEG. MONTANO:**

That's on.

**CHAIRMAN BINDER:**

1965 is introductory.

**LEG. MONTANO:**

It was reintroduced.

**CHAIRMAN BINDER:**

Okay, so it was reintroduced. And then yours was •• so we'll have copies out and we'll entertain a motion for reconsideration which is in order at the meeting after •• when it was defeated, at the very next meeting, so we'll have that motion after it's handed out. We will move to 1440 in tabled resolutions.

### ***TABLED RESOLUTIONS***

**1440, To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use (COOPER).** I will make a motion to table.

**LEG. O'LEARY:**

Second.

**CHAIRMAN BINDER:**

Second by Legislator O'Leary. All those in favor? Opposed? 1440 is **TABLED (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1597, Accepting and appropriating federal aid (80%), state aid (10%), and County funds (10%) in connection with the purchase and installation of bus shelters (COUNTY EXEC).** Did we do that one? I think we did it pay•as•you•go.

**MR. ZWIRN:**

We'll have these •• if you table them now I will move to withdraw them. I will have the next two ••

**CHAIRMAN BINDER:**

I'll just table subject to call because I think this one and the next one we already did. So, I will make a motion to table subject to call.

Second by Legislator O'Leary.

**LEG. VILORIA•FISHER:**

Can I just ask a question on these?

**CHAIRMAN BINDER:**

Sure.



**LEG. VILORIA • FISHER:**

I can't recall whether or not we said whether there was already a siting for the bus shelters? Do we know where they're going to be or is this planning?

**COMMISSIONER BARTHA:**

It was attached to the resolution, the locations, yes.

**LEG. VILORIA • FISHER:**

Okay. I couldn't remember that. Okay.

**CHAIRMAN BINDER:**

We have a motion and a second. All those in favor? Opposed? And that is **tabled subject to call (VOTE: 5•0•0•1 Not present: Legislator Foley).**

**1598, Amending the 2005 Capital Budget and Program and authorizing planning funds in connection with equipment for public transit vehicles • Automated Vehicle Locator System, accepting and appropriating federal aid (80%), state aid (10%) and County funds (10%) (COUNTY EXEC).**

**CHAIRMAN BINDER:**

Same motion, same second, same vote. **TABLED SUBJECT TO CALL. (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1831, Implementing the Water Quality Protection Program for the Connetquot River in the Town of Islip (ALDEN).**

**LEG. O'LEARY:**

Motion to approve.

**CHAIRMAN BINDER:**

Motion to approve by Legislator O'Leary, seconded by Legislator Carpenter.

**MR. ZWIRN:**

Mr. Chairman.

**CHAIRMAN BINDER:**

Mr. Zwirn.

**MR. ZWIRN:**

This was the bill that Mr. Isles was going to speak on. I think Legislator Alden, who's the sponsor, I think had agreed to table this just one round so that we could work out whatever details they had. It wasn't anything major but they •• it hadn't gone through the Water Quality Review Committee. I think there were some issues.

**LEG. O'LEARY:**

Through the Chair.

**CHAIRMAN BINDER:**

Yes, Mr. O'Leary.

**LEG. O'LEARY:**

Legislator Alden specifically requested this of you to bring to our attention to table this?

**MR. ZWIRN:**

Yes. I think •• Ellen did you have a •• I had chatted with Ellen Martin before that this was the bill.

**LEG. O'LEARY:**

Not that I don't believe you, Ben, but, you know, just double•checking we had a conversation on this yesterday so.

**MR. ZWIRN:**

No, I understand.

**CHAIRMAN BINDER:**

Okay. Mr. O'Leary is going to withdraw his motion.

**LEG. CARPENTER:**

All right. We'll change the motion to a tabling motion.

**CHAIRMAN BINDER:**

Okay. It is now a tabling motion by Legislator Carpenter, seconded by Legislator O'Leary. All those in favor? Opposed? 1831 is **TABLED. (VOTE: 5•0•0•1 Not Present: Legislator Foley). (\*1831 was reconsidered at on page 30\*)**

**1874, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 4 • Galleria with Jado's 2 Restaurants (COUNTY EXEC).**

**LEG. KENNEDY:**

Motion to table.

**CHAIRMAN BINDER:**

Motion to table, Legislator Kennedy. Just on the motion. Just before you even get a second I wanted to hear from the Commissioner about the differences and the concerns if you still have and what they are particularly or would this lend itself to •• are we close enough or would it lend itself to maybe a discharge without recommendation, we can put it on the floor.

**COMMISSIONER BARTHA:**

No, we're really not close enough yet on that. We've asked some more questions and we're continuing to review data that was submitted by the engineer for the developer, the owner. We support a tabling motion on this.

**CHAIRMAN BINDER:**

Okay.

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Charlie, this is an issue that I guess is somewhat tangential, but it does involve one of the restaurants. My office has gotten contact from some of the residents in the area about some emissions, some odors and things like that, that actually are coming from Famous Dave's. Must be a lot of barbecue. You know, sewerage is sewerage, odor control is odor control. How does that lay out? I mean, sewerage is your domain. Do you guys ever get involved in anything as far as ventilation or air quality associated with, you know, commercial establishments?

**COMMISSIONER BARTHA:**

Only with respect to our own facilities, our own treatment facilities. I believe the Health Department would be interested in odors that were emanating from a food establishment.

**LEG. KENNEDY:**

I had hoped. Apparently not.

**COMMISSIONER BARTHA:**

Really.

**LEG. KENNEDY:**

Yeah. All right. As far as the going forward, though, as far as being able to accommodate the increased flow that's going to be anticipated from these restaurants, is it accommodations that are going to have to be done on the plant side or do you envision that there's going to have to be modification to the sites themselves, to the facilities?

**COMMISSIONER BARTHA:**

At this point we haven't determined whether there is sufficient capacity at the plant. We may not simply be able not to allow all the connections or there are plans •• there are some plans in the future to expand this plant.

**LEG. KENNEDY:**

I'm aware that there's been interest by other commercial entities along 347. I believe the Water Mill was looking to try to establish some connection or made inquiries or something to that effect. So if you're looking at 9,000 as the ceiling now and there's 15,000 that's proposed, that pretty much precludes anything with these two entities, is that it, with these two outfits?

**COMMISSIONER BARTHA:**

At this time until we get to the bottom of it. But it's really •• I'm not comfortable really answering your question right now because we're still reviewing the information and getting data from the owner's •• owner's engineer.

**LEG. KENNEDY:**

Is one of the remedies you would contemplate expanding the plant itself?

**COMMISSIONER BARTHA:**

We wouldn't contemplate expanding the plant. We ••

**LEG. KENNEDY:**

Because it is not •• is it our plant at this point or is it still in private hands?

**COMMISSIONER BARTHA:**

We're in the process of taking it over and if we had an interested party in connecting to the plant that we didn't have sufficient capacity for, we would make an arrangement with them for them to expand the plant.

**LEG. KENNEDY:**

They would fund it.

**COMMISSIONER BARTHA:**

They would fund it and contract for it.

**LEG. KENNEDY:**

Okay. All right. That's fine. Thank you.

**CHAIRMAN BINDER:**

Okay. I have a motion to table by Legislator Kennedy, second by myself. All those in favor? Opposed? 1874 is **tabled (VOTE: 5•0•0•1 Not Present: Legislator Foley)**.

***INTRODUCTORY RESOLUTIONS***

**1965, Amending the 2005 Capital Budget and Program and appropriating \$100,000 in funds for a feasibility study for noise abatement structures on CR 67 Motor Parkway from CR 7 Wicks Road to Washington Avenue (MONTANO).** I guess on this the question that happened last time involved Legislator Kennedy's question and before we even entertain a motion I wanted to just kind of get an update if you have heard anything on your legislation.

**LEG. KENNEDY:**

Well, thank you, Mr. Chairman. As a matter of fact, I have. I had an opportunity to have some correspondence from the Chief Deputy County Executive. It was quite concise. It composed three lines. Basically it said there was 391 million dollars of unauthorized in pipeline. My 44,000 got passed in June of last year, and basically have a nice day.

So that leads me to believe that the administration at this point, at least as far as the sound study for, you know, the improved area of Motor Parkway does not seem to be inclined to move any time soon.

**LEG. VILORIA•FISHER:**

Is it contiguous would you say?

**LEG. KENNEDY:**

You know what, I'm making assumptions and here's Mr. Zwirn at the table. Did I paraphrase or characterize in any way erroneously, Ben?

**MR. ZWIRN:**

No. The Chief Deputy did say have a nice day at the end, but, so.

**LEG. KENNEDY:**

I was being kind, Ben.

**MR. ZWIRN:**

Well, all I can say is •• I understand and it's not funny for people who have to live with this unbearable traffic that has crept up in Suffolk County. The only thing the County Executive has been is consistent in that the cost of these sound barriers are astronomical. I think if these things were not as expensive and, Charlie Bartha from Public Works can tell you the cost, and I know if you have to listen to this stuff cost isn't an issue. But when you look at them County•wide, first •• I originally when your sound barrier study was commenced the County Executive vetoed it on more than one occasion. And one of the reasons, I think, at that time was that he knew that there would be other people coming forward across the County looking for similar relief.

And the fact is that when the State put them along the expressway and other State roads, they had the funding capacity to do it. And, Charlie, if you can just reiterate what the cost is on these things. And that's really what it comes down to. I think it is not anything other than financially it is just •• it is just a •• it's huge for the County to undertake them all over the County.

**COMMISSIONER BARTHA:**

We're projecting the cost at approximately \$5 million a mile and we have about 425 miles of County roads which you would have to •• you know, if you were to do the ultimate and have sound barriers on each side you are looking at 950 miles of County roads.

**LEG. KENNEDY:**

Mr. Chairman. If I can just make one response. I know my colleagues will respond as well. I think the thing that I would say that there seems to continue in this committee with this issue meeting after meeting after meeting, is not withstanding the fact that we debated the merits, not withstanding the fact that we voted, not withstanding the fact that all we are looking to do is have sound engineers, which I'm not, take a look at from whence this sound truly emanates. And in a section that I got passed we have three different levels of government, a unique configuration, if

you will, or whatever the word is.

**LEG. VILORIA • FISHER:**

Configuration.

**LEG. KENNEDY:**

Thank you.

**LEG. O'LEARY:**

There's no L in it.

**LEG. KENNEDY:**

But I'll put one in. So we can talk about cost ad infinitum, but because we blocked the study we don't even establish whether or not the cost is warranted to construct. That's where the objection lies, I believe, is in that the administration refuses to even do the work to establish whether or not it should be done. That's the perspective that I see at this point.

**CHAIRMAN BINDER:**

Legislator Lindsay and then Legislator Montano.

**LEG. LINDSAY:**

Mr. Chairman, I appreciate the recognition because I'm not on the committee, but I'm certain of a vested interest in this conversation. I can appreciate the cost, Charlie, of these things. They are very expensive, no doubt about it. But in my wildest dreams I can't imagine us putting sound walls on all 900 miles of County road. And the purpose of the study is that we do •• if we do authorize these they be positioned where they can be most effective and minimize their use. I mean, I in my resolution that I am trying to get back on the agenda, I don't envision sound walls the entire length of Nicolls Road. But I think there are places where it is appropriate in order to protect the citizens that live in that area.

And, Ben, I appreciate what you say as well, but the fact of the matter is the way government works is the County Executive has the right to veto a bill. If this Legislature overrides that veto, he's mandated to act on that.



**CHAIRMAN BINDER:**

By the way, I will volunteer no sound barriers on Pulaski Road and I'll think of other County roads if you would like. Elwood Road, another one. I can think of a number of them that I can cut right out of your 900 miles.

**LEG. VILORIA • FISHER:**

Well, we don't need it at the University, Nicolls Road.

**CHAIRMAN BINDER:**

I'll tell you what, we can probably get together and eliminate a heck of a lot of roadway.

**COMMISSION BARTHA:**

You'll probably get it down to a hundred million pretty easy.

**CHAIRMAN BINDER:**

We're cutting quick. Legislator Montano.

**LEG. MONTANO:**

Well, in my bill, which is also on Motor Parkway, the County had already done work on this and it's probably fair to say if they had done it in a fashion that was long lasting we wouldn't be here today. But, you know, since we have something there and understanding the cost factors involved in what we're projecting, and I have to agree with my colleague here, that if in fact ultimately 1965 is passed and if it's vetoed and if it's overridden, we would be seeking to insure that any bill that we pass in the Legislature is enforced.

But at this point I'm going to ask the Legislature, someone on the committee, I appreciate the opportunity to speak because I'm not on the committee, but I'm willing to have this bill tabled because I understand, Charlie, that we'll be able to look at some cost estimates for possible alternatives which I think would be faster and quicker. Is that something that I am stating accurately?

**COMMISSIONER BARTHA:**

If you are looking at simple fencing, yes, we can give you a cost figure on that. I would point out there are some unique issues here in that when this fence was installed there was an agreement and it was embodied in the resolution by the Legislature that funding the work •• that the County bought the materials, the town installed them, and there was an agreement at the time that the town would continue to maintain it. That's a unique situation here.

**LEG. MONTANO:**

No, I understand that.

**COMMISSIONER BARTHA:**

But nevertheless, we can certainly do a cost estimate for putting in the type of wall that you described before. We can do that in•house and give you an estimate for that.

**LEG. MONTANO:**

Okay. I'm going to request and, you know, I appreciate the •• Mr. Chairman, I think one of the constituents would like to say something.  
Would that be appropriate at this point?

**CHAIRMAN BINDER:**

Not at this point.

**LEG. MONTANO:**

I'll speak with you privately on that.

**LEG. O'LEARY:**

Through the Chair.

**CHAIRMAN BINDER:**

Hold on. Legislator Montano, are you done? And next is Legislator Vilorio•Fisher.

**LEG. O'LEARY:**

Oh, okay.

**LEG. MONTANO:**

Just let me finish, then. I will request that this be tabled for one cycle so that we can have an opportunity to explore different issues but, you know, when we come back next week we will have •• next month •• we'll have a definitive idea as to where we're going to go with this vis•a•vis, you know, this study and maybe some of the other studies.

**LEG. CARPENTER:**

Okay.

**CHAIRMAN BINDER:**

Thank you. Legislator Vilorio•Fisher.

**LEG. VILORIA•FISHER:**

Charlie, I just have a technical question for you. One of the speakers said that each time there is •• there are reparations made to the road that the level rises and causes more noise. Can you speak to that as an engineer? Is that, in fact, occurring?

**COMMISSIONER BARTHA:**

Well, more traffic volume does bring more noise. Truck traffic is more noise.

**LEG. VILORIA•FISHER:**

I think he was talking about the height of the road because it was resurfaced and the height was ••

**COMMISSIONER BARTHA:**

That would be a very nominal change in the elevation so I would be surprised that that would have an impact on the noise, but there would certainly be a change in the character of the noise because the surface would be slightly different. I would think that it would be a more uniform noise, but, you know, without a sound study I wouldn't be able to really answer that.

**LEG. VILORIA•FISHER:**

What is the relationship between the project that •• geographic relationship between the projects that are being proposed or that has been passed supporting Legislator Kennedy's area of Motor Parkway and Legislator Montano's area. Are they contiguous areas?

**COMMISSIONER BARTHA:**

No, they are not.

**LEG. VILORIA • FISHER:**

It is not where their districts meet at all?

**COMMISSIONER BARTHA:**

No. It is not contiguous, no.

**LEG. VILORIA • FISHER:**

How close are they to one another?

**LEG. KENNEDY:**

Probably at least a good mile or so separates, at least.

**LEG. VILORIA • FISHER:**

And the area, that one mile area would be another area that would be looking for a sound barrier in the future or is that more open?

**COMMISSIONER BARTHA:**

I mean, I •• I wouldn't try to guess where people are going to ask for sound barriers.

**LEG. VILORIA • FISHER:**

Okay. All right. Thank you.

**LEG. KENNEDY:**

Mr. Chairman.

**CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

If I can just reply. One of the things that I have tried to say to this committee and I guess gone through, not to go ahead and minimize the speakers who have been before us today or anybody else that's come as far as concerns regarding sound from County roadways. The fact is, and this predates my time here in the Legislature, is that area that is •• we authorized to have a sound study done now takes into account not only the County road, but also the Long Island Expressway and the Sunken Meadow Parkway.

So there are three roadways that actually come in very close proximity at this point and one of the most critical reasons, I think, to have the sound study done is to determine from which roadway in that area you have the largest concentration, therefore to see where liability lies, if you will, for the actual cost in order to go ahead and construct. So when you come further ••

**LEG. VILORIA • FISHER:**

I think we recognize that and that's why we passed it and overrode the veto and are urging the County Executive to really abide by the wishes of this Legislature and move forward with that project.

**LEG. KENNEDY:**

Which I appreciate. Thank you.

**CHAIRMAN BINDER:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes, I have two issues, two questions. One related to 1965 and the other will be to Counsel. But the one relating to 1965, Commissioner, there were pictures that were sent around of dilapidated conditions of a fence that is at this location. Was this fence installed by the County?

**COMMISSIONER BARTHA:**

No. It was installed by the town. The County provided the materials and the agreement was that the town was going to maintain the fence.

**LEG. O'LEARY:**

All right. So then the •• there should be pressure brought to bear, then, on the town to repair or replace this fence because they're the ones that installed it.

**COMMISSIONER BARTHA:**

I would suggest that.

**LEG. O'LEARY:**

Okay. Is that the reason why the County has not taken any action with respect to restoring or replacing the fence?

**COMMISSIONER BARTHA:**

That's correct.

**LEG. O'LEARY:**

Because it's •• is it town property or County property?

**COMMISSIONER BARTHA:**

It is County property but the resolution that authorized the fence to be installed was very specific that the County was only providing the materials for the fence.

**LEG. O'LEARY:**

Okay. And the other issue with respect to Legislator Montano's resolution, it requests a feasibility study, but to my knowledge doesn't make no mention of the repair for the fence there. Is there a particular reason for that, Legislator Montano?

**LEG. MONTANO:**

No. Actually, it came in as a feasibility study for noise abatement and that's why I've asked for it to be tabled, so that we could look at options with respect to the repairing of the or replacement of the fence. And the fence is on County property, irrespective of what the resolution back in 1985 said.

What we're looking at is options in lieu of because the resolution right now calls for \$100,000 for the study. And if we can come up with some cost estimates for repair which are, you know, would save the County some money, I think the residents are amenable to that. The residents have indicated to me that while they would like a sound barrier, they understand the reality. I have explained to them the reality of what is going on with funding and that may be a viable alternative, but it is something that we need to discuss within the next 30 days.

**LEG. O'LEARY:**

Okay. Thank you. The other question is to Legislative Counsel. It's been brought to this committee's attention and other committees that there's a situation that is reoccurring where this body addresses vetoes of the County Executive and override those vetoes. Legislator Kennedy's initiative is one example. When the County Executive just arbitrarily, if you will, refuses to act on an override of this body of an initiative put forth to his attention, what are the remedies or the options that we as a Legislature have to address that?

**MS. KNAPP:**

This is a question that's come up any number of times over the last year, and both on the record and very often Legislators have asked me individually. One option is obviously for this body to sue the County Executive and bring commonly known as an Article 78 proceeding compelling him as a public officer to do his duty under the laws of the County of Suffolk. Legislators have been reluctant to take that final step, but as I say, the questions have been more public and more often, so.

**LEG. O'LEARY:**

Is that our only option, an Article 78? I mean, other than appealing to his sense of separation of power and agreements and veto overrides and the whole concept of a separation of power, Executive Branch and Legislative Branch, and other than what Legislator Fisher alluded to was asking him if he would consider addressing our overrides. Is that our only option that we can take legally is an Article 78 and suing, and suing the County Executive?

**MS. KNAPP:**

Well, I mean, there are certain amendments to the Charter that certainly could be proposed. Many of them might be subject to mandatory referendum where the voters could decide. You know, there are usually ways, you know, short of more drastic means to resolve those, but that's one possibility.

**LEG. O'LEARY:**

All right. Thank you very much.

**LEG. KENNEDY:**

Through the Chair?

**CHAIRMAN BINDER:**

Legislator Carpenter and then Legislator Kennedy.

**LEG. CARPENTER:**

Back to 1965. Charlie, you said that there was a very clear, specific agreement that the town maintain this fence. It's on County property but that the town was supposed to erect it and maintain it.

**COMMISSIONER BARTHA:**

That's my understanding. We're double•checking on that right now.

**LEG. CARPENTER:**

Okay. So if in fact after you double•check and that is the case, could you not contact the town and, you know, send along some of those pictures and tell them that they're, you know, past the point of not maintaining it and that you want it repaired. Along with the agreement •• a copy of the agreement.

**COMMISSIONER BARTHA:**

We could certainly do that.

**LEG. CARPENTER:**

Great.

**CHAIRMAN BINDER:**



Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chairman. I need to go ahead and just follow•up for a moment with Legislative Counsel about the action to compel the County Executive to go ahead and perform. That is procedural resolution?

**MS. KNAPP:**

The action to begin the legal proceeding, yes, is a procedural resolution. Ordinarily it's outside Counsel and it can be limited to one specific cause of action or there could be any number of causes of action that could be combined if there's more than one instance.

**LEG. KENNEDY:**

And that is an action that we as a Legislative body can take without approval on a part of the County Executive?

**MS. KNAPP:**

Absolutely. It's procedural within this body.

**LEG. KENNEDY:**

So if a resolution is introduced in essence can it be acted on and then be executable within the same day at a general meeting?

**MS. KNAPP:**

Procedural motions don't follow the seven day rule, no.

**LEG. KENNEDY:**

So then on the 27th, then, something like that could be passed, conceivably.

**LEG. CARPENTER:**

Yep.

**MS. KNAPP:**

Yes.

**LEG. KENNEDY:**

Excellent. Good. Thank you very much. As far as talking about the other actions in order to remedy this intransigent, though, is there a way to go ahead and eliminate the County Executive's signature on contracts since that's what seems to be binding us?

**MS. KNAPP:**

The only issue that I would •• certainly a Charter law could be passed. The only issue that I would like to look at as to whether or not a mandatory referendum might be necessary to eliminate the County Executive's signature on a contract.

**LEG. KENNEDY:**

Thank you. That may need to be investigated. Thank you.

**CHAIRMAN BINDER:**

Just before Legislator O'Leary. There are other questions. Maybe we can have after X number of days that the contract or an override is over at the County Exec's office, if there is no action taken that they have to give a written response and that he has to detail specifically why no action is taken and at minimum we can track it, you know, and they have to give good justification. If not, then the Legislature possibly could override. I mean, we can look at something like that where the action of the Legislature can substitute for a signature of a County Executive or something to that effect, that we have timelines and that if they haven't taken any action we can at least look at their justification. If we don't think it's justified then we're able to force or by our action, maybe an administrative action.

**MS. KNAPP:**

Yes, those are possibilities. The difficulty, though, that I have with this is that there is a legislative process. It's very clear, it's in the Charter, it's embodied in State law and in federal law and it's basically all the same. That is, a law is passed, it's by the Legislative Branch. The Executive Branch has the opportunity to veto that and then there's a greater number of votes required in order to overcome the veto. When a

veto is not overridden then obviously the County Executive has had the last word. When a veto is overridden then the Legislative Branch has voiced their desire to act over the objection of the County Executive.

When that happens, and we've said this before, there are three branches of government. As a rule you can't just •• the County Executive's remedy if he objects to what the Legislature has done under this, you know, fairly set in stone process, is to go to court and to set aside the legislative action. This has sort of been turned on its head in this case in that the County Executive has developed a new remedy when he disapproves of a County Legislature override of a veto.

**CHAIRMAN BINDER:**

Well, that always would include contract agencies. In the case of contract agencies just non•action where he's actually agreed with the budget. In the end he didn't veto it, everyone's agreed to the budget, so that's resolution in itself to spend money and just by not acting, not by executing contracts, again, it's using Executive power, I guess, to withhold action to basically impound the money. I mean, this is what really, and I have had this discussion here before, but that's exactly what Richard Nixon did. He impounded money and Congress acted with the Budget Act. But Congress •• and they acted, Republican and Democrat alike in a bipartisan manor said the institution of Congress was under attack by the President because he was thwarting their will. And the only real, true power of a Legislature is the power of the purse string. In the end, that's what we control. And if we don't defend that, if a Legislature doesn't defend that prerogative and allows a Chief Executive, whether it be the President, Governor or County Executive or at any level, to by non•action or by •• really mostly it is by non•action, if we allow them to impound the money then you become a talking head group of people who sit around horseshoes talking into microphones and in the end have no power to do really anything.

So it gets to a point, I think, and I'm hoping, I'm sensing the frustration on both sides of the aisle, that maybe we have to initiate a lawsuit and doing the lawsuit we can talk about other measures, discussions about legislation, changing the Charter, maybe going out for a referendum. I mean, all these things. But maybe we need to initiate a lawsuit because I think it's getting to the point on both sides of the aisle and it's

getting to a boiling point and maybe Legislators are understanding that the institution is completely under attack. I mean the institution and its prerogatives. It's not any side, it's not a Republican attack or a Democrat attack. It is institution to institution. And if we don't defend it then there won't be much left other than, as I say, microphones and people speaking into them to hear themselves talk. But action will not come out of this body. Legislator Lindsay.

**LEG. LINDSAY:**

That's all well and good but I'm still looking to get 1829 back on the agenda and fast.

**CHAIRMAN BINDER:**

We have it before us so why don't we deal with that for you. I am going to make a motion. I was on the prevailing side to defeat, so I'm going to make a motion to reconsider.

**LEG. CARPENTER:**

Second.

**CHAIRMAN BINDER:**

Second by Legislator Carpenter. All those in favor? Opposed?

**1829 is before us.** I am going to make a motion to table. Second by Legislator Carpenter. All in favor? Opposed? **(VOTE: 5•0•0•1 Not Present: Legislator Foley).** So 1829 is back on the agenda. It's tabled before us, it's on the agenda.

**LEG. O'LEARY:**

It's not tabled yet.

**CHAIRMAN BINDER:**

I just did it. You missed it.

**LEG. O'LEARY:**

Oh, did you?

**CHAIRMAN BINDER:**

Yeah. You missed it. It was good, quick.

**1965, Amending the 2005 Capital Budget and Program and appropriating \$100,000 in funds for a feasibility study for noise abatement structures on CR 67 Motor Parkway from CR 7 Wicks Road to Washington Avenue (CP 5546). (Montano).**

**COMMISSIONER BARTHA:**

On 1965 I'd like to correct some information that I related. The town does not have any responsibility here. The agreement was that the home owners were going to be responsible for the maintenance.

**CHAIRMAN BINDER:**

Who would you agree with •• it is the association? Is there a homeowner's Association?

**COMMISSIONER BARTHA:**

No, no. I ••

**CHAIRMAN BINDER:**

Any particular home owner sign that agreement, Charlie?

**COMMISSIONER BARTHA:**

Right, and it probably doesn't show on the title insurance, either.

**LEG. O'LEARY:**

Which home owner are we going to hold in compliance or non•compliance?

**COMMISSIONER BARTHA:**

I'm just telling you the resolution that was passed by the Legislature in 1985.

**CHAIRMAN BINDER:**

I understand. It is just an interesting •• the word agreement usually at least legally implies two parties or more. Okay. I'm going to make a motion to table 1965.

Second by O'Leary. All those in favor? Opposed? 1965 is **tabled (VOTE: 5•0•0 •1 Not Present: Legislator Foley)**.

**1972, A resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 18 • Selden (COUNTY EXEC).** We have a motion to approve by Legislator Viloría•Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? 1972 is **approved (VOTE: 5•0•0•1 Not Present: Legislator Foley)**.

And speak up, Charlie, if you have to jump in there. I'm going to move a little quickly.

**1973, A resolution making certain findings and determinations in relation to a proposal to increase, expand and improve facilities for Sewer District No. 18 • Hauppauge Industrial (COUNTY EXEC).**

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Charlie, I just have a quick question with this. I know there's been some activity that's contemplated with this district. Can you tell me where we're at now and what this resolution does and just quickly where we're going with it?

**COMMISSIONER BARTHA:**

This is the findings determination from the •• as a result of the public hearing which was held in August. Only two persons spoke. They both spoke in favor of it. This will allow us to send the report to the State Comptroller and continue the process. We will be •• we've gone through the selection process and selected an engineering firm. Once we get the State Comptroller's approval we can proceed with the design.

**LEG. KENNEDY:**

Approximately how far out are we, though, from actually being in the actual construction phase, 18 months? Twenty•four months?

**COMMISSIONER BARTHA:**

I would say at least 24 months.

**LEG. KENNEDY:**

Twenty•four months. Okay. Thank you. I make a motion to approve.

**LEG. O'LEARY:**

Second.

**LEG. CARPENTER:**

Second.

**CHAIRMAN BINDER:**

Motion to approve by Legislator Kennedy. Second by Legislator Carpenter. All those in favor? Opposed? It is **APPROVED. (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1975, Appropriating planning funds for expansion of the Sheriff's Enforcement Division at the Criminal Court Building (COUNTY EXEC).**

**LEGISLATOR CARPENTER:**

Motion.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN BINDER:**

Motion by Legislator Carpenter. Second by Legislator Viloría•Fisher. All those in favor? Opposed? **APPROVED. (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1978, Amending the 2005 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 46, William Floyd Parkway, between the Long Island Expressway and Moriches•Middle Island Road, Town of Brookhaven (COUNTY EXEC).** Legislator O'Leary makes a motion. Second by Legislator Carpenter. All those in favor? Opposed? **Approved. (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1981, Appropriating funds in connection with the acquisition of land for intersection improvements on CR 10, Elwood Road and SR 25 Jericho Turnpike, Town of Huntington (COUNTY EXEC).** Let me just ask you a little bit about this, Charlie. This is just the widening? It's an extra lane? This has been kicked around forever.

**COMMISSIONER BARTHA:**

This is •• it's a turn lane and some other widening at the intersection. The work was actually completed in 2004. Real Estate requested this resolution. They are still working on settlements with the property owners, property that was acquired.

**CHAIRMAN BINDER:**

So we widened it. This is not to expand further up, I mean.

**COMMISSIONER BARTHA:**

This has nothing to do with any more work there. This is to settle for work that's been done already.

**CHAIRMAN BINDER:**

Okay. I will make the motion. Second by O'Leary. All those in favor? Opposed? **1981 is approved (VOTE: 5•0•0•1 Not Present: Legislator Foley).**

**1982, Appropriating funds in connection with the acquisition of lands for intersection improvements on Suffolk Avenue, CR 100, Suffolk Avenue and Brentwood Road/Washington Avenue, Town of Islip (COUNTY EXEC).**

**LEG. CARPENTER:**

Motion.



**CHAIRMAN BINDER:**

Motion by Legislator Carpenter. Second by Legislator Kennedy.

**LEG. O'LEARY:**

On the question.

**CHAIRMAN BINDER:**

On the question, Legislator O'Leary.

**LEG. O'LEARY:**

Just a quick one, Charlie. My notes indicate that the acquisition, the monies appropriated are 1.2 million? Is that accurate?

**COMMISSIONER BARTHA:**

That's correct.

**LEG. O'LEARY:**

Is that for properties that are at that intersection of Suffolk Avenue and Brentwood Road?

**COMMISSIONER BARTHA:**

That's correct. This resolution was again requested by Real Estate. This is the highest accident location of all County roads and this is for acquiring property in that area, the title searches, everything that has to be done.

**LEG. O'LEARY:**

Is that based on appraisals and the value of those properties? I mean, what is there that would be of value to the tune of \$1.2 million? We're talking about one intersection?

**COMMISSIONER BARTHA:**

Really Pat Zielenski would have to address that.

**LEG. O'LEARY:**

You know, I mean, just in comparison with, you know, with the other resolution and the monies appropriated are substantially less than that. I was just curious as to why the numbers are at that point of 1.2 million. So your suggestion is that I take it up with Real Estate as to why that's been the requested appropriation?

**COMMISSIONER BARTHA:**

Right. We can speak to Pat and ask her for some more details.

**LEG. O'LEARY:**

All right. Well, I would like to make a tabling motion until we get an answer to that. It just seems to me a little bit out of whack as far as the appraisals as compared to other acquisitions of lands involving •• I'm assuming this is eminent domain proceedings.

**COMMISSIONER BARTHA:**

Yes.

**LEG. VILORIA•FISHER:**

Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Carpenter is next.

**LEG. CARPENTER:**

Thank you.

**CHAIRMAN BINDER:**

And then Legislator Viloría•Fisher.

**LEG. CARPENTER:**

On the motion. Charlie, do you know exactly what you are planning to acquire? Are you actually acquiring parcels? There is a gas station there on one corner and on the •• that is the northeast corner. On the southeast corner is a White Castle, I believe.

**LEG. VILORIA • FISHER:**

Isn't there a locksmith there, Angie?

**LEG. CARPENTER:**

I think that's on the northwest corner. There is a group of stores there.

**COMMISSIONER BARTHA:**

I don't have the maps with me so I can't tell you exactly which properties are being acquired, but we do have them.

**LEG. CARPENTER:**

Okay. Do you know if there's any rush to move with this that maybe we should discharge it?

**COMMISSIONER BARTHA:**

A one month delay would not be critical.

**LEG. CARPENTER:**

Okay. Then we should table it.

**LEG. O'LEARY:**

I'll make a motion to table.

**LEG. CARPENTER:**

Second.

**CHAIRMAN BINDER:**

The motion to approve was withdrawn by Legislator Carpenter. Motion to table by Legislator O'Leary. Second by Legislator Carpenter. All those in favor? Opposed? 1982 is **tabled (VOTE: 5•0•0•1 Not Present: Legislator Foley)**.

**1983, Appropriating funds in connection with the acquisition of land for intersection improvements on CR, Park Avenue at CR 11 Pulaski Road, Town**

**of Huntington (COUNTY EXEC).** I'll make a motion to approve.

**LEG. O'LEARY:**

Second.

**CHAIRMAN BINDER:**

Second by Legislator O'Leary. I just want to •• just the explanation is •• well, as you know, we sat down to talk about this particular intersection and some other concerns that we have. When do you think this is going to start?

**COMMISSIONER BARTHA:**

We took bids earlier this month so weather permitting we'd start late this year if not certainly early next year.

**CHAIRMAN BINDER:**

Great. Okay. We have a motion and a second. All those in favor? Opposed? 1983 is **approved (VOTE: 5•0•0•1 Not Present: Legislator Foley)**.

**1988, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of Tilles Corporate Center East (COUNTY EXEC).** I'm going to make a motion to table. I guess this was resubmitted. I'm kind of surprised in face of the fact that we had all these questions outstanding, what it is going to be, where it is going to be. So I'm going to make a motion to table. Second by Legislator O'Leary. All those in favor? Opposed? 1988 is **tabled (VOTE: 5•0•0•1 Not Present: Legislator Foley)**.

Anything else to come before the committee? If not ••

**LEG. VILORIA•FISHER:**

I just have a question.

**CHAIRMAN BINDER:**

Legislator Viloria•Fisher.

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chair. I just have a quick question, Charlie. If you could update me when you can on the Sheep Pasture Road/Nicoll's Road project when you can? I would appreciate it.

**COMMISSIONER BARTHA:**

Certainly.

**LEG. VILORIA • FISHER:**

Thank you very much.

**CHAIRMAN BINDER:**

I want to **revisit 1831** before you all run. We've had discussions with Cameron Alden's office, Legislator Alden. And what we can discern, he wasn't interested in tabling. What we were thinking of doing is discharging it without recommendation because we're not sure exactly, so.

First I have to •• I'm going to make a motion to reconsider. Second by Legislator O'Leary. All those in favor? Opposed? We are reconsidering, it is in front of us.

**1831, Implementing the Water Quality Protection Program for the Connetquot River in the Town of Islip (ALDEN).** Motion by Legislator Cameron •  
• Legislator O'Leary, second by Legislator Kennedy, to discharge without recommendation. All those in favor? Opposed? It is **APPROVED TO DISCHARGE (VOTE: 5•0•0•1 Not Present: Legislator Foley). (\*Vote amended on page 31\*)**

**COMMISSIONER BARTHA:**

I would like to make a couple of comments on that resolution for your consideration.

**CHAIRMAN BINDER:**

Sure.

**COMMISSIONER BARTHA:**

This is not a County road where these projects are proposed. The device that is

specified in the resolution is no longer manufactured by \\_Fabco\\_ and the project hasn't been reviewed by the Water Quality Committee. \\_Fabco\\_ does make a similar device we understand at this time, but we would suggest that the Health Department be involved in reviewing the appropriateness of its use for this location.

**LEG. VILORIA•FISHER:**

In light of those comments I think the motion to table was the more appropriate comment •• motion.

**LEG. O'LEARY:**

I would agree, but I think the DWR and going before the full body, the sponsor would probably be of the mindset to table before the full body.

**LEG. VILORIA•FISHER:**

Okay. I'm opposed to the discharge without recommendation. I don't think that we have the right information and if you have equipment that doesn't exist anymore, it certainly should be a tabled resolution.

**CHAIRMAN BINDER:**

Legislator Carpenter was here for the vote at the time so we have four votes and one. That is discharged. **(VOTE: 4•1•0•1 Opposed: Legislator Vilorina •Fisher; Not Present: Legislator Foley).**

Anything else to come before the committee? If not, I make a motion to adjourn. Second by Legislator O'Leary. All those in favor? Opposed? We are adjourned.

**(\*The meeting was adjourned at 3:00 P.M.\*)**

\\_ \\_ **Denotes spelled phonetically**